

REMARKS

In the Office Action¹, the Examiner rejected claims 1 and 12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; rejected claims 1-3, 6, 8, 10-12, 18-20, 22, 24, 26, and 27 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 04-367997 to *Kumazaki*; rejected claims 5, 17, 21, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of U.S. Patent Application Publication No. 2003/0234799 to *Lee*; rejected claims 7 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of U.S. Patent Application Publication No. 2002/0034375 to *Suda*; and rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of Japanese Patent Publication No. 2001-282219 to *Ryoji*.

By this Amendment, Applicant amends claims 1 and 12. Upon entry of this amendment, claims 1-3, 5-8, 10-12, and 17-28 will remain pending in this application.

I. Rejection of claims 1 and 12 under 35 U.S.C. 112, second paragraph

In the Office Action, the Examiner asserted that “[i]t is unclear whether or not the ‘display attribute information’ and ‘attribute information’ are the same” (Office Action at p. 4). Applicant has amended claims 1 and 12 for further clarity. Therefore, the rejection of these claims under 35 U.S.C. § 112, second paragraph, should be withdrawn.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

II. **Rejection of claims 1-3, 6, 8, 10-12, 18-20, 22, 24, 26, and 27 under 35 U.S.C. § 102(b) as being anticipated by *Kumazaki***

Applicant respectfully traverses the rejection of claims 1-3, 6, 8, 10-12, 18-20, 22, 24, 26 and 27 under 35 U.S.C. 102(b) as being anticipated by *Kumazaki*. In order for *Kumazaki* to anticipate Applicant's claims under 35 U.S.C. § 102(b), each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in the reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." (See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).)

Kumazaki does not anticipate amended claim 1 because the reference fails to teach or suggest at least "a control unit which determines whether or not the management table stores display attribute information for the image when the display unit displays the image, and magnifies the at least one of the plurality of predetermined information objects of the image indicated by the display attribute information by a magnification ratio based on a distance between the remote controller and the control unit when it is determined that the management table stores the display attribute information," as recited in claim 1.

In contrast, *Kumazaki* discloses expanding information on a display means 18 in accordance with an expansion ratio that is determined based on a distance between the display means 18 and a selection means 2. (*Kumazaki*, ¶ 0009.) For example, when information displayed by a destination noticeboard 1 is difficult to see, a member may select the information he wants to expand on the destination noticeboard 1 from among keys 2a of remote control 2. (*Kumazaki*, ¶ 0030.) The selected information may be

expanded based on the distance of the member from the destination noticeboard 1 using an expansion ratio stored in a ROM 303. (*Kumazaki*, ¶¶ 0041 and 0042.)

In the Office Action, the Examiner asserts that ROM 303 of *Kumazaki* corresponds to the claimed "management table which stores display attribute information," as recited in claim 1 (Office Action at p. 5). This is not correct.

Kumazaki merely teaches expanding information upon selection of the information (*Kumazaki* at ¶ 0030). For example, if the information relating to "Suzuki" is difficult to see, the user may select "Suzuki." The selected information is then expanded. Although *Kumazaki* may store information relating to "Suzuki," *Kumazaki* does not store "display attribute information for the image, the display attribute information indicating at least one of the plurality of predetermined information objects of the image," as recited in claim 1. Furthermore, because the information is always expanded (i.e., "magnified") in *Kumazaki* upon selection by a user or member, *Kumazaki* fails to disclose or suggest the "control unit," as recited in claim 1.

The Examiner further alleges that "Kumazaki discloses a command being sent to expand Suzuki's information (paragraph 30) which reads on the claimed control unit which determines whether or not the management table includes attribute information for the at least one of the plurality of predetermined objects included in the image" (Office Action at p. 5). This is not correct. According to *Kumazaki*, the "command" cited by the Examiner is input through the remote controller when a user or member selects to expand the display of the information relating to "Suzuki." Applicant respectfully submits that, contrary to the Examiner's assertion, the command recited by *Kumazaki* does not

“read on” the claimed “control unit,” because the “control unit” is part of the “display device,” as recited in claim 1.

Because the information in *Kumazaki* is always expanded (i.e., “magnified”) upon selection by the user or member and because *Kumazaki* discloses a “command” instead of a “control unit,” *Kumazaki* fails to disclose or suggest at least a “control unit which determines whether or not the management table stores display attribute information for the image when the display unit displays the image, and magnifies the at least one of the plurality of predetermined information objects of the image indicated by the display attribute information by a magnification ratio based on a distance between the remote controller and the control unit when it is determined that the management table stores the display attribute information” (emphasis added).

Independent claim 1, as amended, is allowable over *Kumazaki* for at least the above reasons. Claims 2, 3, 6, 8, 10, and 11 depend from claim 1 and are allowable at least due to their dependency from claim 1. Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of claims 1-3, 6, 8, 10, and 11 under 35 U.S.C. § 102(b) and allow the claims.

Amended claim 12, although of a different scope than claim 1, contains recitations similar to claim 1. Thus, for at least the reasons set forth above with respect to claim 1, *Kumazaki* does not anticipate claim 12, as amended, under 35 U.S.C. § 102(b). Accordingly, independent claim 12 is allowable over *Kumazaki*, and dependent claims 18-20, 22, 24, 26, and 27 are also allowable at least due to their dependency from claim 12.

III. Rejection of claims 5, 17, 21, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of *Lee*

Applicant respectfully traverses the rejection of claims 5, 17, 21, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of *Lee*. Claims 5, 17, 21, and 28 depend from independent claims 1 and 12 and, therefore, include all of the elements recited in claim 1 or claim 12.

As noted above, *Kumazaki* does not teach or suggest “a control unit which determines whether or not the management table stores display attribute information for the image when the display unit displays the image, and magnifies the at least one of the plurality of predetermined information objects of the image indicated by the display attribute information by a magnification ratio based on a distance between the remote controller and the control unit when it is determined that the management table stores the display attribute information,” as recited in claim 1.

The Examiner cites *Lee* for allegedly disclosing “the size of the image being adjusted according to the distance between the display apparatus and the user” (Office Action at p. 8). *Lee*, however, does not disclose or suggest the “control unit,” as recited in claim 1. Claim 12, although of a different scope, includes recitation, of a similar scope as claim 1. Accordingly, *Lee* fails to overcome the deficiencies of *Kumazaki*. Therefore, *Kumazaki* and *Lee*, taken alone or in combination, do not support the rejection of claims 5, 17, 21 and 28 under 35 U.S.C. § 103(a) at least due to their dependence from claims 1 or 12.

IV. Rejection of claims 7 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of *Suda*

Applicant respectfully traverses the rejection of 7 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of *Suda*. The Examiner relies on

Suda as allegedly disclosing “enlarging subtitles” (Office Action at p. 9). *Suda*, however, also fails to disclose or suggest “a control unit which determines whether or not the management table stores display attribute information for the image when the display unit displays the image, and magnifies the at least one of the plurality of predetermined information objects of the image indicated by the display attribute information by a magnification ratio based on a distance between the remote controller and the control unit when it is determined that the management table stores the display attribute information,” as recited in claim 1. Claim 12, although of a different scope, includes similar recitations. Accordingly, *Suda* fails to cure to deficiencies of *Kumazaki*. Therefore, claims 7 and 23 are allowable over the applied references because *Kumazaki* and *Suda*, taken alone or in combination, cannot support the rejection of claims 7 and 23 under 35 U.S.C. § 103(a) at least due to their dependency from claims 1 or 12.

V. **Rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of *Ryoji***

Applicant respectfully traverses the rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Kumazaki* in view of *Ryoji*. The Examiner cites *Ryoji* for allegedly disclosing “predetermined information being enlarged based on user selection” (Office Action at p. 9). *Ryoji*, however, also fails to disclose or suggest the elements of independent claim 12 that were discussed above. *Ryoji* fails to overcome the deficiencies of *Kumazaki*. Therefore, *Kumazaki* and *Ryoji* cannot support a rejection of claim 25 under 35 U.S.C. § 103(a) at least due to its dependency from claim 12.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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